

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

NOVARTIS PHARMA AG, NOVARTIS
PHARMACEUTICALS CORPORATION, and
NOVARTIS TECHNOLOGY LLC,

Plaintiffs,

v.

REGENERON PHARMACEUTICALS, INC.,

Defendant.

Civil Action No.: 1:20-cv-00690 (TJM-CFH)

JURY TRIAL DEMANDED

**AFFIDAVIT IN SUPPORT OF UNOPPOSED MOTION TO STAY PURSUANT
TO 28 U.S.C. § 1659**

Anish Desai, being duly sworn, deposes and says:

1. I am an attorney at Weil, Gotshal & Manges LLP, counsel for Defendant Regeneron Pharmaceuticals, Inc. (“Regeneron”).
2. I am a member in good standing of the state bar of New York, the U.S. District Court for the Northern District of New York, the U.S. Court of Appeals for the District of Columbia, the U.S. Court of Appeals for the Federal Circuit, the U.S. District Court for the Eastern District of Texas, and the United States Patent and Trademark Office.
3. I submit this affidavit in support of the Motion to Stay Pursuant to 28 U.S.C. § 1659.
4. Plaintiffs Novartis Pharma AG, Novartis Pharmaceuticals Corporation, and Novartis Technology LLC (collectively, “Novartis”) filed this action against Defendant Regeneron Pharmaceuticals, Inc. (“Regeneron”) on June 19, 2020, alleging infringement solely of U.S. Patent No. 9,220,631 (“the ’631 patent”).
5. Also on June 19, 2020, Novartis filed a Complaint in the U.S. International Trade Commission (“ITC”), requesting that the ITC institute an investigation against Regeneron under Section 337 of the Tariff Act of 1930, as amended.
6. In the ITC complaint, Novartis asserted infringement against Regeneron of the same ’631 patent that is at issue in this case.

7. On July 21, 2020, the ITC issued a Notice of Institution of Investigation *Re Certain Pre-filled Syringes for Intravitreal Injection and Components Thereof*, Investigation No. 337-TA-1207 (“ITC Proceeding”).
8. Pursuant to 19 C.F.R. § 210.10(b), the ITC Proceeding was instituted by publication of the Notice of Institution in the Federal Register on July 27, 2020. Exhibit A, Federal Register, Vol. 85, No. 144 at 45,227-45,228.
9. The ITC Proceeding involves the same Defendant as this civil action. *See id.* at 45,228.
10. Novartis alleges infringement of only the ’631 patent in both the ITC Proceeding and this civil action. *Id.*
11. This motion is filed within thirty days of Regeneron being named as a respondent in the ITC Proceeding.
12. Counsel for Regeneron communicated with Novartis’s counsel regarding the relief requested herein. Novartis stated that it does not oppose this motion.

I, Anish Desai, declare under penalty of perjury that the foregoing is true and correct.

Dated: July 28, 2020

/s/ Anish Desai

Anish Desai (Bar Roll No. 701945)